



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

74576	7590	01/26/2009		E
HUGH P. C	ORTLER			M

HUGH P. GORTLER 23 Arrivo Drive Mission Viejo, CA 92692 EXAMINER

MOSS, KERI A

PAPER NUMBER

1797 DATE MAILED: 01/26/2009

ART UNIT

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,766	11/24/2003	Paul H. Shelley	03-0651	4916

TITLE OF INVENTION: METHOD FOR IDENTIFYING CONTAMINANTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/27/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or	B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE **Commissioner for Patents** P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (571)-273-2885

appropriate. All further of	correspondence includin d below or directed oth	ig the Patent, advance of	JE FEE and PUBLICATI rders and notification of m a) specifying a new corres	aintenance fees w	ill be ma	ailed to the current	correspondence address as
CURRENT CORRESPONDE	ENCE ADDRESS (Note: Use Blo	ock 1 for any change of address)	Fee(s	s) Transmittal. This	s certifica paper, s	ate cannot be used for uch as an assignment	r domestic mailings of the or any other accompanying at or formal drawing, must
74576 HUGH P. GOR 23 Arrivo Drive Mission Viejo, C		/2009	I her State addr	Cert eby certify that thi s Postal Service w essed to the Mail	ificate o s Fee(s) ith suffic Stop IS	f Mailing or Transr Transmittal is being	deposited with the United t class mail in an envelope above, or being facsimile
							(Depositor's name)
							(Signature)
							(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		ATTORN	NEY DOCKET NO.	CONFIRMATION NO.
10/720,766	11/24/2003	ł	Paul H. Shelley	•		03-0651	4916
TITLE OF INVENTION:							
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE	FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0		\$1810	04/27/2009
EXAMI	INER	ART UNIT	CLASS-SUBCLASS				
MOSS, F	KERI A	1797	436-178000				
 CFR 1.363). Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. 			or agents OR, alternativ (2) the name of a single registered attorney or a 2 registered patent attor listed, no name will be p	the names of up to 3 registered patent attorneys 1			
PLEASE NOTE: Unle recordation as set forth (A) NAME OF ASSIC	ess an assignee is identi 1 in 37 CFR 3.11. Comp 3NEE	ified below, no assignee oletion of this form is NO	THE PATENT (print or typ data will appear on the pa T a substitute for filing an a (B) RESIDENCE: (CITY rinted on the patent) :	ttent. If an assigne tssignment. and STATE OR C	OUNTR	Y)	
4a. The following fee(s) are submitted: 4i Issue Fee Publication Fee (No small entity discount permitted) Advance Order - # of Copies			 b. Payment of Fee(s): (Please A check is enclosed. Payment by credit carce The Director is hereby overpayment, to Depose 	I. Form PTO-2038 authorized to chars	is attach	ed. nuired fee(s), any def	,
	SMALL ENTITY statu	is. See 37 CFR 1.27.	b. Applicant is no long				
NOTE: The Issue Fee and interest as shown by the r	l Publication Fee (if requested as a firmed state) the United State of the United Stat	uired) will not be accepte tes Patent and Trademark	d from anyone other than th c Office.	ne applicant; a regis	stered atto	orney or agent; or the	e assignee or other party in
Authorized Signature				Date			
Typed or printed name				Registration N	0		
Alexandria, Virginia 223	13-1450.		on is required to obtain or re 1.14. This collection is estiv depending upon the indivi- e Chief Information Office COMPLETED FORMS TO spond to a collection of info				by the USPTO to process) g gathering, preparing, and ne you require to complete rtment of Commerce, P.O. or Patents, P.O. Box 1450, number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	ITED STATES PATE	NT AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 22: www.uspto.gov	OR PATENTS	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/720,766	11/24/2003	Paul H. Shelley	03-0651	4916	
74576 75	90 01/26/2009		EXAM	IINER	
HUGH P. GORTLER 23 Arrivo Drive			MOSS, KERI A		
			ART UNIT	PAPER NUMBER	
Mission Viejo, CA	92692		1797 DATE MAILED: 01/26/200	9	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 926 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 926 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)				
	10/720,766	SHELLEY ET AL.	T AL.			
Notice of Allowability	Examiner	Art Unit				
	KERI A. MOSS	1797				
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in the or other appropriate communi IGHTS. This application is sub-	nis application. If not includ cation will be mailed in due	ed course. THIS			
1. This communication is responsive to <u>Request for Reconsident</u>	deration filed 9/23/08.					
2. 🔀 The allowed claim(s) is/are <u>1-21,23-76,78-130 and 132-16</u>	<u>3</u> .					
 3. Acknowledgment is made of a claim for foreign priority us a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 	e been received.					
3. Copies of the certified copies of the priority do	cuments have been received i	n this national stage applica	ation from the			
International Bureau (PCT Rule 17.2(a)). * Certified copies not received:						
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		reply complying with the re	quirements			
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give			NOTICE OF			
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.					
(a) ☐ including changes required by the Notice of Draftspers		PTO-948) attached				
1) hereto or 2) to Paper No./Mail Date						
(b) including changes required by the attached Examiner' Paper No./Mail Date	s Amendment / Comment or in	the Office action of				
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t			e back) of			
 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. 						
Attachment(s) 1. □ Notice of References Cited (PTO-892) 2. □ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. □ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 4. □ Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☐ Interview Sum Paper No./Ma 7. ☐ Examiner's Ar	mal Patent Application mary (PTO-413), ail Date mendment/Comment atement of Reasons for Alle	owance			

Allowable Subject Matter

1. Claims 1-12, 23-76, 78-130, and 132-163 are allowed.

2. The following is an examiner's statement of reasons for allowance: The closest prior art references Pearson et al. (USP 5,406,082) and Steinbeck (US Pub 2002/0164651) neither teach or suggest alone or in combination a non-destructive method for identifying a contaminant on a substrate, the method comprising exposing the substrate to a multi-frequency infrared energy source; infrared energy absorbance peaks, the first absorbance peak at a first wavenumber, and the second absorbance peak at a second wavenumber; and identifying the contaminant on the surface by correlating the at least two absorbance peaks to the known absorbance peaks of a contaminant at the first and second wavenumbers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KERI A. MOSS whose telephone number is (571)272-8267. The examiner can normally be reached on 9-5:30.

Application/Control Number: 10/720,766 Art Unit: 1797

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Keri A. Moss/ Examiner, Art Unit 1797 /Jill Warden/ Supervisory Patent Examiner, Art Unit 1797